

**SENATE JOURNAL**  
OF THE  
**IDAHO LEGISLATURE**

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**THIRTIETH LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 4, 2003**

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Brandt and Sorensen, absent and formally excused by the Chair.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Michael Infanger, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 4, 2003

The JUDICIARY AND RULES Committee reports that **S 1056, S 1057, S 1058, and S 1059** have been correctly printed.

DARRINGTON, Chairman

**S 1056, S 1057, S 1058, and S 1059** were referred to the Resources and Environment Committee.

February 4, 2003

The JUDICIARY AND RULES Committee reports that **S 1022 and S 1025** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1022** and **S 1025** and ordered them transmitted to the House for the signature of the Speaker.

February 3, 2003

The FINANCE Committee reports out **H 90** and **H 91** with the recommendation that they do pass.

CAMERON, Chairman

**H 90** and **H 91** were filed for second reading.

February 3, 2003

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

E.E. "Bud" Brinegar to the Commission on Pardons and Parole, term to expire January 1, 2006;

Robin Sandy to the Commission on Pardons and Parole, term to expire January 1, 2006.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 3, 2003

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Hyong K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2005.

RICHARDSON, Vice Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 3, 2003

The STATE AFFAIRS Committee reports out **H 86** with the recommendation that it do pass.

RICHARDSON, Vice Chairman

**H 86** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

February 4, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dr. Jack Riggs of Coeur d'Alene, Idaho, was appointed as a member of the Idaho State Board of Health and Welfare to serve a term commencing January 17, 2003, and expiring January 7, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

February 3, 2003

Mr. President:

I transmit herewith **H 88**, **HJM 1**, **H 35**, **H 7**, and **H 52**, and I return herewith **SCR 101**, which have passed the House.

JUKER, Chief Clerk

**H 88**, **HJM 1**, **H 35**, **H 7**, and **H 52** were filed for first reading.

**SCR 101** was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

On request by Senator Little, granted by unanimous consent, **SJM 101** retained its place on the Calendar.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Jeffrey L. Bowen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Jeffrey L. Bowen as a member of the Idaho Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1060

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE UNIFORM ELECTRONIC TRANSACTIONS ACT; AMENDING SECTION 28-50-107, IDAHO CODE, TO PROVIDE THAT ANY NOTICE OR RECORD REQUIRED TO BE SENT BY CERTIFIED MAIL MAY BE TRANSMITTED ELECTRONICALLY IF THE RECIPIENT HAS GIVEN CONSENT.

#### S 1061

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE IDAHO ELECTRONIC SIGNATURE AND FILING ACT; REPEALING SECTIONS 67-2351, 67-2352, 67-2353, 67-2354, 67-2355, 67-2356 AND 67-2357, IDAHO CODE.

**S 1060** and **S 1061** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 88**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HJM 1**, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 35**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 7**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 52**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1016**, by Judiciary and Rules Committee, was read the

second time at length and filed for third reading.

**H 6**, by Mr. Speaker, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1026** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, **H 31** retained its place on the Third Reading Calendar for one legislative day.

**H 53** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Stegner, Sweet, Werk. Total - 24.

NAYS--Geddes, Hill, Keough, Pearce, Williams. Total - 5.

Absent and excused--Andreason, Brandt, Cameron, Goedde, Sorensen, Stennett. Total - 6.

Total - 35.

Whereupon the President declared **H 53** passed, title was approved, and the bill ordered returned to the House.

**H 54** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Andreason, Brandt, Cameron, Goedde, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 54** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

President Pro Tempore Geddes announced that he had administered the Oath of Office to Nadine Winberg, now serving as attache in the Republican Secretarial Pool for the First Regular Session of the Fifty-seventh Idaho Legislature.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Wednesday, February 5, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary